

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6251 OF 2016**

Nanda w/o Jayram Shinde
Age: 50 years, Occu.: Service,
R/o: Saroja Niwas, Ashok nagar, Udgir,
Tal. Udgir, Dist. Latur. ..Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Health Department,
Mantralaya, Mumbai-32.
2. The Collector,
Collectorate Office, Latur,
Dist. Latur.
3. The Tahasildar,
Tahsil Office, Latur,
Dist. Latur.
4. The Divisional Castes Scrutiny Committee
Latur, Dist. Latur.
5. The District Health Officer,
Zilla Parishad, Latur,
Dist. Latur. ..Respondents

...

Mr. Ram S. Shinde, Advocate for the Petitioner.
Mr. S. K. Tambe, AGP for Respondent Nos.1 to 4.
Mr. P. R. Tandale, Advocate for Respondent No.5.

...

**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATED : 15th MARCH, 2022.

ORAL JUDGMENT (Per R. D. Dhanuka, J.):-

1. Rule. Rule is made returnable forthwith.
2. Mr. Tambe, learned A.G.P. for respondent nos.1 to 4 waives notice. Mr. Tandale, learned counsel for respondent no.5 waives notice.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner is challenging the impugned judgment dated 07.01.2016 passed by the respondent no.4-Divisional Caste Scrutiny Committee invalidating the caste claim of the petitioner.

4. The learned counsel for the petitioner submits that, brother of the petitioner has been already granted caste validity certificate by Caste Certificate Scrutiny Committee on 08.08.2019 during the pendency of the this Writ Petition. He further submits that, on the same basis the caste validity certificate is also required to be granted in favour of the petitioner. The copy of the caste validity certificate granted in favour of the petitioner's brother Uttam is tendered across the Bar by the learned counsel for the petitioner alongwith the affidavit. The copy of the caste validity certificate granted in favour of the petitioner's brother Uttam is taken on record alongwith affidavit.

5. In view of the subsequent events, we quash and set aside the impugned judgment and order dated 07.01.2016 passed by the Divisional Caste Scrutiny Committee.

6. The petitioner is directed to appear before respondent no.4-Committee on 31.03.2022 at 11 am.

7. The application filed by the petitioner for validation of the caste claim is restored to file before respondent no.4-Committee for deciding the matter afresh and shall consider the validity certificate dated 08.08.2019 issued in favour of the brother of the petitioner namely Shri. Uttam Jairam Shinde and pass fresh order without being influenced by the observations made and conclusion drawn in the impugned order and in accordance with law. The order shall be passed within a period of four (04) months from the date of communication of this order.

8. Till the caste claim of the petitioner is decided by respondent no.4-Committee and for a period of four (04) weeks thereafter, if the order is adverse to the interest of the petitioner, respondent no.5 shall not take any coercive steps against the petitioner. If the caste claim of the petitioner is accepted by respondent no.4-Committee, the caste validity certificate shall be issued within a period of one (01) week from the date of passing such order. If the order is against the petitioner, the petitioner would be at liberty to file appropriate proceeding.

9. The learned counsel for the petitioner agrees to convey this order to his client for information and compliance. The learned A.G.P. agrees to convey this order to respondent no.4-Committee for information and compliance.

10. Writ Petition is allowed in the aforesaid terms.

11. Rule is made absolute accordingly. No Order as to costs.

12. Parties to act on authenticate copy of this order.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE